

1

2

3

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

4

5

CRAIG K. MARTIN,

6

Plaintiff,

7

vs.

8

MASOOD ORDIKHANI, ET AL.,

9

Defendants.

10

11

Plaintiff Craig K. Martin, proceeding *pro se*, brings this action against defendants Masood Ordikhani, Harlan Kelly, Jr., Ivy Fine, Benjamin Poole, Kathryn How, and Michael L. Brown. Plaintiff filed his first amended complaint on December 6, 2018. (Dkt. No. 22.) On December 20, 2018, defendants Brown, Fine, Ordikhani, and Poole filed a motion to dismiss the first amended complaint pursuant to Federal Rule of Civil Procedure 12(b)(6), (Dkt. No. 24), and defendants How and Kelly filed a motion, pursuant to Rule 4(m), to be dismissed on the ground that plaintiff did not serve either of them within 90 days, (Dkt. No. 25). Plaintiff's response to both motions was due on January 3, 2019, but plaintiff has yet to file a response to either motion. As a result, the Court is considering dismissing plaintiff's claims against all defendants for "failure to prosecute," that is, failure to meet deadlines to keep the lawsuit moving forward.

22

23

24

25

26

27

28

CASE NO. 18-cv-04653-YGR

ORDER TO SHOW CAUSE RE: FAILURE TO PROSECUTE

Plaintiff is hereby **ORDERED TO SHOW CAUSE** why the Court should not dismiss the claims against all defendants for failure to prosecute. No later than **Wednesday, January 23, 2019**, plaintiff must file either: (i) a response to both pending motions; or (ii) a response to this Order to Show Cause, explaining why the case should not be dismissed for failure to prosecute. Failure to file a response will be deemed an admission that plaintiff does not intend to prosecute this action, and his claims against all defendants will be dismissed *without prejudice*. If plaintiff files his response to the motions by Wednesday, January 23, 2019, defendants' respective replies

1 will be due seven (7) days thereafter.

2 The Court also **VACATES** the hearing on the pending motions currently set for February 12,
3 2019. Once briefing is complete, the Court will reset a hearing date if necessary.

4 **IT IS SO ORDERED.**

5
6 Dated: January 14, 2019


YVONNE GONZALEZ ROGERS

7 UNITED STATES DISTRICT COURT JUDGE

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28